

### **REMARKS/ARGUMENTS**

Applicant has reviewed and considered the Office Action dated July 29, 2008 and the cited references therein. Claims 1 and 11 are amended; claims 16-19 are canceled without prejudice or disclaimer; and claims 5 and 20 were previously canceled without prejudice or disclaimer. As a result, claims 1-4 and 6-15 are pending in the present application.

#### **Rejections under 35 U.S.C. § 102 and § 103**

Claims 16 and 17 are rejected under 35 U.S.C. § 102(e) as being anticipated by Schiff et al. Claims 16-17 are canceled without prejudice or disclaimer which render the rejection moot.

Claims 1-4, 13 and 15-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schiff in view of Seibel et al.

Claim 1 is amended to recite a marketing system that matches a customer profile to marketing offers, the marketing system comprising: a database including a customer profile containing information related to a customer's interests in products and services; a database including a plurality of marketing offers related to products and services; and a server for executing a program operable to match a selected offer of the plurality of marketing offers to the customer profile, the customer profile being a permission-based marketing profile within the server which continuously communicates through Internet to scan for product and service offers that appear to match the customer profile, and provides customer instant communication with a product and/or service provider.

Schiff discloses a user-driven data network communication system and method. More particularly, Schiff discloses a user-driven system and method "by which the user is the one who requests messages from specific vendors to be shown to him, which is an aim of the present invention, as opposed to the methods described above in which the system decides what and when to show to him." (see page 1, paragraph [0006] of Schiff). Accordingly, Schiff not only does not disclose or teach a permission-based marking profile within a server to continuously communicate through Internet to scan for product and service offers that appear to match the customer profile containing information related to a customer's interests in products and services as recited in claim 1, but also teaches away from the recited claim 1 by providing an individual, user-driven system that provides a user-driven advertisement method and system in which the

user has control over the messages shown to him, not a marketing matching system as recited in claim 1. In addition, Schiff fails to disclose or teach that the system further provides customer instant communication with a product and/or service provider. Support can be found on page 4, lines 22-25.

Seibel discloses a web-based customer lead generator system with pre-emptive profiling. However, Seibel fails to remedy the deficiencies of Schiff. Thus, Applicant respectfully submits that claim 1 patentably distinguishes over Schiff in view of Seibel.

Claims 2-4 which are dependent from claim 1 are also patentable for at least the same reasons discussed above.

Claim 13 and 15 are dependent claims of claim 11. Claim 11 also recites the features discussed above. Thus, claims 13 and 15 are also patentable over the recited references.

Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Schiff in view of Seibel as applied to claims 12, 16 and 17 and further in view of Eggleston et al.

Eggleston discloses a system and method for incentive programs and award fulfillment. However, Eggleston does not remedy the deficiencies of Schiff in view of Seibel. Claim 14 which is dependent from claim 11 is, therefore, also patentable over the cited references.

Claims 18 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schiff in view of Eggleston. Claims 18-19 are canceled without prejudice or disclaimer.

Conclusion

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Reconsideration of the present application and a favorable response are respectfully requested.


This response is being submitted on or before October 29, 2008, making this a timely response. It is believed that no fees are due in connection with this filing. However, the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment and notify us of same, to Deposit Account No. 04-1420.

If a telephone conference would be helpful in resolving any remaining issues, please contact the undersigned at 612-752-7367.

Respectfully submitted,

DORSEY & WHITNEY LLP  
Customer Number 25763

Date: Oct. 27, 2008

By:   
Min (Amy) S. Xu  
Reg. No. 39,536